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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
AT ALBUQUERQUE NM

OCT 26 1999

CHARLIE L. EDWARDS,

Plaintiff,

ROBERT M. MARCH
CLERK

v.

No. CIV-99-0747 JC/RLP

WACKENHUT CORRECTION CORPORATION,
NEW MEXICO DEPARTMENT OF CORRECTION,
(SECRETARY ROB PERRY), LEA COUNTY
CORRECTION CORPORATION (KENNETH BATSON,
COUNTY COMMISSIONER), AND GARY JOHNSON,
(GOVERNOR OF STATE), LOUISIANA/TEXAS CERT.
TEAM,

Defendants.

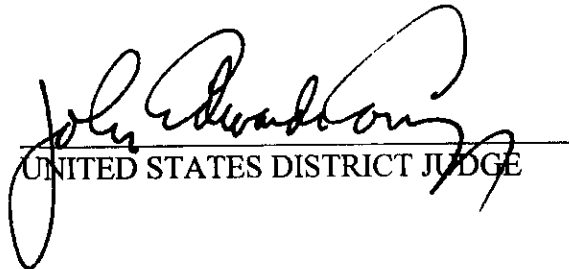
MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's motion (Doc. #7) filed September 30, 1999, to reconsider the memorandum opinion and order entered August 6, 1999. Plaintiff's claims were dismissed by the August 6 order and a concurrent judgment. The motion was filed more than ten days after entry of the order and is construed as a motion under Fed.R.Civ.P 60(b). *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991).

As grounds for reconsideration, Plaintiff restates his factual allegations and recites certain legal standards pertaining to Eighth Amendment claims, pro se pleadings, proceedings in forma pauperis, and the doctrine of respondeat superior. The complaint was dismissed, however, under the provisions of 42 U.S.C. § 1997e(e), and the motion makes no specific argument that dismissal under § 1997e(e) was improper. "[A] district court may grant a Rule 60(b)(6) motion only in extraordinary circumstances and only when necessary to accomplish justice," *Cashner v. Freedom Stores, Inc.*, 98

F.3d 572, 579 (10th Cir. 1996), and "it is an abuse of discretion to grant relief where no basis for that relief exists." *Id.* at 580. "[R]evisiting the issues already addressed ... and 'advanc[ing] new arguments or supporting facts which were otherwise available ...' is likewise inappropriate." *Van Skiver*, 952 F.2d at 1243. Plaintiff's motion provides no factual or legal basis for the relief sought, and the motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's motion to reconsider (Doc. #7) filed September 30, 1999, and construed herein as a motion under Fed.R.Civ.P 60(b), is DENIED.


UNITED STATES DISTRICT JUDGE